

thereto annexed as were stated and contained in the bond which accompanied his bid; and in case said next lowest bidder shall decline to enter into contract for the performance of such service, then the Postmaster General may award the service to, and enter into contract with, any person, whether a bidder on said route or not, who will enter into contract to perform the service and execute a bond of like tenor and effect as that required of bidders, in a penalty to be prescribed, and with sureties to be approved by the Postmaster General, for the performance of the service contracted to be performed at a price not exceeding that named in the bid of the said next lowest bidder; and if no contract can be secured at the price named in said next lowest bid, then the Postmaster General shall proceed to secure a contract, at a price not considered too high, with any person who will execute such contract in accordance with the law applicable thereto, giving in all cases, the preference to the regular bidders on the list whose bids do not exceed the price at which others will contract therefor; and if no satisfactory contract can be thus secured, the route shall be readvertised.

Whenever an accepted bidder shall fail to enter into contract, or a contractor on any mail route shall fail or refuse to perform the service on said route according to his contract, or when a new route shall be established or new service required, or when, from any other cause, there shall not be a contractor legally bound or required to perform such service, the Postmaster General may make a temporary contract for carrying the mail on such route, without advertisement, for such period as may be necessary, not in any case exceeding one year, until the service shall have commenced under a contract made according to law: *Provided*, That the cost of temporary service rendered necessary by reason of the failure of any accepted bidder to enter into contract or a contractor to perform service shall be charged to such bidder or contractor: *Provided further*, That the provisions of section 440 of this title that no compensation shall be paid for additional service in carrying the mail until such additional service is ordered, the sum to be allowed therefor to be expressed in the order and entered upon the books of the department, and that no compensation shall be paid for any additional regular service rendered before the issuing of such order, shall not apply to any service authorized under this paragraph.

The Postmaster General shall not employ temporary service on any route at a higher price than that paid to the contractor who shall have performed the service during the last preceding contract term. And in all cases of regular contracts the contract may, in the discretion of the Postmaster General, be continued in force beyond its express terms for a period not exceeding six months, until a new contract with the same or other contractors shall be made by the Postmaster General. (R. S. § 3951; June 8, 1872, c. 335, § 251, 17 Stat. 314; June 23, 1874, c. 456, § 12, 18 Stat. 235; Aug. 11, 1876, c. 260, 19 Stat. 129; Aug. 3, 1882, c. 379, § 2, 22 Stat. 216; May 18, 1916, c. 126 § 8, 39 Stat. 161; June 14, 1930, c. 490, 46 Stat. 588.)

The heading of this section has been changed to read as above.

★441. Allowance for additional expedition; limit.—

"have power to" should be read into line 9 of this section preceding "expedite."

443. Fining contractors.—The Postmaster General may make deductions from the pay of contractors for failure to perform service according to contract and impose fines upon them for other delinquencies, which deductions or fines may be changed or remitted, in his discretion. He may deduct the price of the trip in all cases where the trip is not performed and not exceeding three times the price if the failure be occasioned by the

fault of the contractor or carrier. (As amended May 11, 1926, c. 284, 44 Stat. 499.)

The Act cited to the text was entitled "An Act authorizing the Postmaster General to remit or change deductions or fines imposed upon contractors for mail service."

Chapter 13.—AIR MAIL.

Section 463. Same; postage rates.—The rates of postage on air mail shall not be less than 5 cents for each ounce or fraction thereof. (As amended May 17, 1928, c. 603, § 1, 45 Stat. 594.)

464. Air mail; contracts for transportation of air mail.—The Postmaster General is authorized to award contracts for the transportation of air mail by aircraft between such points as he may designate to the lowest responsible bidder at fixed rates per mile for definite weight spaces, one cubic foot of space being computed as the equivalent of nine pounds of air mail, such rates not to exceed \$1.25 per mile: *Provided*, That where the air mail moving between the designated points does not exceed twenty-five cubic feet, or two hundred and twenty-five pounds, per trip the Postmaster General may award to the lowest responsible bidder, who has owned and operated an air transportation service on a fixed daily schedule over a distance of not less than two hundred and fifty miles and for a period of not less than six months prior to the advertisement for bids, a contract at a rate not to exceed 40 cents per mile for a weight space of twenty-five cubic feet, or two hundred and twenty-five pounds. Whenever sufficient air mail is not available, first-class mail matter may be added to make up the maximum load specified in such contract. (As amended June 3, 1926, c. 460, 44 Stat. 692; Apr. 29, 1930, c. 223, § 1, 46 Stat. 259.)

465a. Air mail to foreign countries and insular possessions; contracts for transportation.—When in his judgment the public interest will be promoted thereby the Postmaster General is authorized to enter into contracts for air-mail service on routes between the United States and possessions or Territories of the United States, between possessions or Territories of the United States, between the United States or possessions or Territories of the United States and foreign countries, and in and between foreign countries, for the transportation of mails of the United States and its possessions or Territories both ways over the routes, and in addition thereto mails of other countries on the outbound or the inbound flights under arrangements he may make with such countries, for periods of not more than ten years, and to pay for such service at fixed rates per pound and/or per mile; and the Postmaster General is hereby authorized to award such contracts to the bidders that he shall find to be the lowest responsible bidders that can satisfactorily perform the service required to the best advantage of the Government: *Provided*, That the rate to be paid for such service for the load of mails provided by the Postmaster General to be carried in a plane shall not in any case exceed \$2 per mile each way, plus not exceeding \$1 per pound per thousand miles, or pro rata thereof for greater or less mileage, for any mails required to be carried in the same plane in excess of the specified load, and that, at the request of the Postmaster General, domestic mail shall be conveyed without additional charge on that part of the route in the United States to the border of the United States and to intermediate points: *Provided further*, That the Postmaster General may make arrangements with concessionaires operating air-mail service in foreign countries for transportation by their service of mails of the United States and its possessions or Territories: *And provided further*, That in the award and interpretation of the contracts herein authorized the decision of the Postmaster General shall be final and not subject to review by any officer or tribunal of the United States except by the President and the Federal courts. (Mar. 8, 1928, c. 149,

§ 1, 45 Stat. 248, as amended Mar. 2, 1929, c. 478, § 1, 45 Stat. 1449.)

Section 3 of Act Mar. 2, 1929 (45 Stat. 1450) provided as follows:

"SEC. 3. All contracts heretofore made by the Postmaster General under section 1 of the Act of March 8, 1928, entitled 'An Act to grant authority to the Postmaster General to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than ten years and to pay for such service at fixed rates per pound or per mile, and for other purposes,' as originally enacted, may be amended under agreement of the parties thereto so as to provide for the transportation of excess mails and for transportation not covered by the existing contract of mails of the United States and its possessions or Territories or of foreign countries, at not exceeding the contract rate per mile and not exceeding the rates per pound provided in section 1 hereof for excess mails."

Prior to its amendment § 465a read as follows: "When, in his judgment, the public interest will be promoted thereby, the Postmaster General is authorized to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than ten years, and to pay for such service at fixed rates per pound or per mile; and the Postmaster General is hereby authorized to award such contracts to the bidders that he shall find to be the lowest responsible bidders that can satisfactorily perform the service required to the best advantage of the Government: *Provided*, That the rate to be paid for such service shall not in any case exceed \$2 per mile: *And provided further*, That in the award and interpretation of the contracts herein authorized, the decision of the Postmaster General shall be final, and not subject to review by any officer or tribunal of the United States, except by the President and the Federal courts."

465b. Same; rules and regulations.—The Postmaster General shall make and issue such rules and regulations as may be necessary to carry out the provisions of section 465a of this title. (Mar. 8, 1928, c. 149, § 2, 45 Stat. 248; Mar. 2, 1929, c. 478, § 2, 45 Stat. 1450.)

This section was reenacted without change by Act Mar. 2, 1929, c. 478, cited to the text.

465c. Air mail contracts; substitution of air mail route certificates; rate of compensation; cancellation of certificate.—The Postmaster General may, if in his judgment the public interest will be promoted thereby, upon the surrender of any air-mail contract, issue in substitution therefor a route certificate for a period of not exceeding ten years from the date service started under such contract to any contractor or subcontractor who has satisfactorily operated an air-mail route for a period of not less than two years, which certificate shall provide that the holder thereof shall have the right, so long as he complies with all rules, regulations, and orders that may be issued by the Postmaster General for meeting the needs of the Postal Service and adjusting mail operations to the advances in the art of flying and passenger transportation, to carry air mail over the route set out in the certificate or any modification thereof at rates of compensation to be fixed from time to time, at least annually, by the Postmaster General, and he shall publish in his annual report his reasons for the continuance or the modification of any rates: *Provided*, That such rates shall not exceed \$1.25 per mile. Such certificate may be canceled at any time for willful neglect on the part of the holder to carry out any rules, regulations, or orders made for his guidance, notice of such intended cancellation to be given in writing by the Postmaster General and forty-five days allowed the holder in which to show cause why the certificate should not be canceled. (Feb. 2, 1925, c. 128, § 6, as added May 17, 1928, c. 603, § 2, 45 Stat. 594, as amended Apr. 29, 1930, c. 223, § 2, 46 Stat. 259.)

Awards prohibited to carriers paying salaries in excess of \$17,500, see section 891y of Title 46.

465d. Extensions and consolidations of routes.—The Postmaster General, when in his judgment the public interest will be promoted thereby, may make any extensions or consolidations

of routes which are now or may hereafter be established. (Feb. 2, 1925, c. 128, § 7, as added Apr. 29, 1930, c. 223, § 3, 46 Stat. 260.)

465e. Service to Canada.—The Postmaster General in establishing routes for the transportation of mail by aircraft under this chapter may provide service to Canada within one hundred and fifty miles of the international boundary line, over domestic routes which are now or may hereafter be established and may authorize the carrying of either foreign or domestic mail, or both, to and from any points on such routes and make payment for services over such routes out of the appropriation for the domestic air mail service: *Provided*, That this section shall not be construed as repealing the authority given by section 465a of this title, to contract for foreign air mail service. (Feb. 2, 1925, c. 128, § 8, as added Apr. 29, 1930, c. 223, § 3, 46 Stat. 260.)

465f. Contracts for transportation of air mail to new points; adequacy of appropriation as condition precedent.—After July 1, 1931, the Postmaster General shall not enter into contracts for the transportation of air mail between points which have not theretofore had such service unless the contract air-mail appropriation proposed to be obligated therewith is sufficient to care for such contracts, and all other obligations against such appropriation, without incurring a deficiency therein. (Feb. 2, 1925, c. 128, § 9, as added Apr. 29, 1930, c. 223, § 3, 46 Stat. 260.)

★ **466. Aeroplanes for aeroplane mail service.**—

This section appears to be temporary legislation and should be omitted from the Code.

★ **467. Purchase of equipment and supplies for aeroplane mail service.**—

This section appears to be temporary legislation and should be omitted from the Code.

Chapter 14.—CARRYING THE MAIL.

Section 490. Selecting post roads.—[Repealed.]

This section was repealed by § 1 of Act Feb. 28, 1933, c. 131, 47 Stat. 1349.

Section 2 of the repealing act provided that rights or liabilities existing under the foregoing section on February 28, 1933, shall not be affected thereby.

491. Change of post-road terminus.—[Repealed.]

This section was repealed by § 1 of Act Feb. 28, 1933, c. 131, 47 Stat. 1349.

Section 2 of the repealing act provided that rights or liabilities existing under the foregoing section on February 28, 1933, shall not be affected thereby.

496. Carrying foreign letters.—

In connection with this section see § 308 of Title 18.

503. Freight charges on property transferred.—

"payment by States for property received" should be omitted from the heading to this section.

Chapter 15.—RAILWAY SERVICE.

Section 521. Carrying mail on railway routes by horse express.—[Repealed.]

This section was repealed by § 1 of Act Feb. 28, 1933, c. 131, 47 Stat. 1349.

Section 2 of the repealing act provided that rights or liabilities existing under the foregoing section on February 28, 1933, shall not be affected thereby.

522. Transportation of official matter by railway or express companies.—

"27 Stat. 148" should be added to the citation at the end of this section.

541a. Transportation by motor vehicle.—The Postmaster General is hereby authorized, in his discretion, to permit railroad and electric-car companies to provide mail transportation